

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN P. GARZA,

Plaintiff,

v.

BG RETAIL, LLC,

Defendant.

Case No. 1:22-cv-01051-JLT-CDB

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND REQUIRING
PLAINTIFF TO PAY SANCTION**

DEADLINE: JUNE 16, 2023

(Doc. 27)

On May 17, 2023, Plaintiff's counsel, Mr. Badkoubehi, failed to appear for the mid-discovery status conference and failed to communicate the reasons for his absence to the Court. Thereafter, the Court ordered Plaintiff to show cause why sanctions should not be imposed for counsel's failure to appear for the mid-discovery status conference. (Doc. 23). In addition, the order also required Mr. Badkoubehi to answer the Court's questions regarding the status of discovery. *Id.* at 2-3. Mr. Badkoubehi timely filed a response to the Court's show cause order on May 22, 2023. (Doc. 24). While the response demonstrated good cause in explaining Mr. Badkoubehi's failure to appear at the mid-discovery status conference, the response failed to respond to some of the Court's discovery-related questions. (Doc. 25).

Accordingly, the Court ordered Mr. Badkoubehi to file a report no later than May 26, 2023, in which he answered the Court's questions, to wit, (1) whether he completed service on

1 Defendant on Plaintiff's written discovery, and (2) whether he completed service on Defendant of
2 Plaintiff's responses to Defendant's written discovery. *Id.*

3 On May 26, 2023, Mr. Badkoubehi filed a nonresponsive declaration. (Doc. 26). Due to
4 counsel for Plaintiff's repeated failures to comply with the Court's orders (*see* Docs. 15, 23, 25),
5 the Court imposed daily monetary sanctions of \$100.00 for each day that Plaintiff's counsel
6 neglected to respond to the discovery-related questions first propounded by the Court in its May
7 23, 2023 order. (Doc. 27). Three days later, on June 2, 2023, Plaintiff's counsel filed a
8 responsive declaration. (Doc. 28).

9 Having reviewed Mr. Badkoubehi's response and determined it to satisfactorily answer
10 the Court's discover-related questions, the Court shall discharge the order to show cause and
11 further sanctions as of June 5, 2023 and require Mr. Badkoubehi to pay sanctions in the total
12 amount of \$300.00 for his failure to respond. This amount is calculated from the date of issuance
13 of the order on May 30, 2023, to Mr. Badkoubehi's June 2, 2023 filing, for a total of three days
14 (\$100/day x 3 days = \$300).

15 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall pay the Clerk of the Court
16 three hundred dollars (\$300.00) **no later than June 16, 2023**. Mr. Badkoubehi shall file proof of
17 payment with the Court once payment is made. IT IS FURTHER ORDERED that if such
18 payment and proof of payment is not timely made, additional sanctions of \$50.00 per day shall
19 issue from June 16, 2023, until full payment is received.

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21 IT IS SO ORDERED.

22 Dated: **June 5, 2023**

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UNITED STATES MAGISTRATE JUDGE